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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/772,664	01/30/2001		Kazuhito Ohashi	1232-4676	2213	
27123	7590	09/11/2006		EXAMINER		
MORGAN & FINNEGAN, L.L.P.				THOMPSON, JAMES A		
	FINANCIAL CI C, NY 10281-			ART UNIT PAPER NUMBER		
	,			2625		
				DATE MAILED: 09/11/2000	DATE MAILED: 09/11/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Advisory Action	09/772,664	OHASHI, KAZUHITO					
Before the Filing of an Appeal Brief	Examiner	Art Unit	<del></del>				
	James A. Thompson	2625					
The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add					
THE REPLY FILED 30 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of							
this application, applicant must timely file one of the folloplaces the application in condition for allowance; (2) a No. (3) a Request for Continued Examination (RCE) in comp. following time periods:	wing replies: (1) an amendment, a otice of Appeal (with appeal fee) in	ffidavit, or other evide compliance with 37 C	ence, which CFR 41.31; or				
a) The period for reply expiresmonths from the mailing of							
b) Me period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.							
Examiner Note: If box 1 is checked, check either box (a) or (b). MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f		RST REPLY WAS FILE	OWT NIHTIW C				
Extensions of time may be obtained under 37 CFR 1.136(a). The date on							
peen filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened sta							
above, if checked. Any reply received by the Office later than three month							
earned patent term adjustment. See 37 CFR 1.704(b).							
NOTICE OF APPEAL  The Notice of Appeal was filed on A brief in com	nliance with 37 CFR 41 37 must be	a filed within two mon	ths of the date				
The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal.							
Since a Notice of Appeal has been filed, any reply must be							
AMENDMENTS							
The proposed amendment(s) filed after a final rejection,			pecause				
<ul> <li>(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below);</li> </ul>							
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for							
appeal; and/or	,,,,,						
(d) They present additional claims without canceling a corresponding number of finally rejected claims.							
NOTE: <u>see attached</u> . (See 37 CFR 1.116 and 41.	• • • •						
4. The amendments are not in compliance with 37 CFR 1.		ompliant Amendment	(PTOL-324).				
<ul><li>5. Applicant's reply has overcome the following rejection(s</li><li>5. Newly proposed or amended claim(s) would be a</li></ul>		timely filed amendm	ent canceling				
the non-allowable claim(s).			-				
7. X For purposes of appeal, the proposed amendment(s): a) X will not be entered, or b) will be entered and an explanation of							
how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:	vided below or appended.						
Claim(s) allowed:							
Claim(s) objected to:							
Claim(s) rejected: <u>37-61</u> .							
Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE							
B. The affidavit or other evidence filed after a final action, b	ut before or on the date of filing a N	Notice of Appeal will r	not be entered				
because applicant failed to provide a showing of good ar and was not earlier presented. See 37 CFR 1.116(e).							
<ol> <li>The affidavit or other evidence filed after the date of filing</li> </ol>	a Notice of Appeal, but prior to th	e date of filing a brief	, will not be				
entered because the affidavit or other evidence failed to	overcome <u>all</u> rejections under appe	al and/or appellant fa	ils to provide a				
showing a good and sufficient reasons why it is necessal							
10. The affidavit or other evidence is entered. An explanation of the control	on of the status of the claims after	entry is below or attac	neu.				
11. The request for reconsideration has been considered by	ut does NOT place the application i	in condition for allowa	ince because:				
see attached.	•	Jan M					
<ul><li>12.  Note the attached Information Disclosure Statement(s).</li><li>13.  Other:</li></ul>	(F10/56/06) Paper No(S).		7				
10. [_] Other		DAVID MOORE					
SUPERVISORY PATENT EXAMINER							
TECHNOLOGY CENTER 2800							

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#### DETAILED ACTION

### Response to Amendment

1. The proposed amendments to the claims add limitations which narrow the scope of the overall invention. Thus, the proposed amendments would require further search and further consideration. Therefore, the proposed amendments to the claims are not entered.

## Response to Arguments

Applicant's arguments filed 30 August 2006 have been fully considered but they are not persuasive. Applicant's arguments are directed to the proposed amendments to the claims, which have not been entered, and not the claims as presently recited. While the proposed amendments to claim 37 would certainly further narrow the scope of claim 37, Examiner will need to further consider the combination of prior art references presently cited in the prior art rejections in order to determine if proposed claim 37 overcomes the presently cited prior art references. Furthermore, even if proposed claim 37 were to be found to distinguish over the prior art references presently relied upon for the prior art rejections, a further search will need to be conducted in order to ascertain whether or not there is additional prior art that anticipates the proposed claims and/or renders the proposed claims obvious to one of ordinary skill in the art at the time of the invention.

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#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

01 September 2006

James A. Thompson Examiner Technology Division 2625

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DAVID MOORE SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600